

SERIAL NO.: 10/762,657
Attorney Docket No. CHEN-0002RECEIVED
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REMARKS

The examiner has pointed out that the abstract uses incorrect phraseology. The examiner has rejected claims 1-4 under 35 U.S.C. §112 second paragraph. The examiner has also rejected claims 1-4 under U.S.C. §101 because she states that the claimed invention is directed to non-statutory subject matter. The examiner has also rejected claims 1-4 under 35 U.S.C. §102.

The claims have been amended in response to the objections and rejections and argument is addressed to them as such.

THE ABSTRACT REJECTION

Applicant has amended the abstract pursuant to the examiner's direction.

The 35 U.S.C. §112 REJECTIONS

Applicant has amended claims 1-4 to make clear that a "method" is being protected. Additionally, the claims have been amended to remove the term "highly", which the examiner stated was confusing. Claim 4 has been amended to specifically show what diacyl fatty acid side chains are encompassed by the claim.

The 35 U.S.C. §101 REJECTIONS

Claims 1-4 have been amended to claim a "method", rather than the composition.

THE 35 U.S.C. §102 REJECTIONS

The examiner states: "Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Cornfurius et al. (1977, reference V) in light of Farkas et al. (1994, reference W)." However, the MPEP states as follows:

"TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." MPEP at §2131

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Comfurius does not either expressly or inherently describe all the elements of any of the claims 1-4. Comfurius does not expressly or inherently describe the use of fish livers. Farkas does not either expressly or inherently describe all the elements of any of the claims 1-4. Farkas does not expressly or inherently describe the elements of "combining an L-Serine with a fish liver phosphatidylcholine", "transphosphatidylating the L-Serine and fish liver phosphatidylcholine", or "producing a polyunsaturated fatty acid-containing phosphatidylserine". The U.S.C. §102 is therefore improper, and thus successfully traversed.

For the above reasons, Applicant respectfully submits that all of the rejections have been successfully traversed. Applicant respectfully requests that claims as amended be allowed. On the basis of the above remarks, early consideration of this application and early allowance are respectfully requested.

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